

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

ALLSTATE INSURANCE COMPANY

PLAINTIFF

VS.

CIVIL ACTION NO. 3:05CV669LS

**FRANK MELTON, EARL PIERCE
and JIMMY SAXTON**

DEFENDANTS

ORDER

This matter came before the court on Allstate Insurance Company's Motion to Compel Discovery Responses and the Deposition of Defendant Earl Pierce, its Motion to Compel the Deposition of Defendant Jimmy Saxton, and its Motion to Extend Discovery and Dispositive Motion Deadlines. The court has reviewed the Motions to Compel and is of the opinion that Allstate should be entitled to depose Defendants Pierce and Saxton, notwithstanding Saxton's recent Motion to Dismiss or to Stay the Proceedings. Therefore, those Motions will be granted, and those depositions should take place on or before August 2, 2006.

With regard to the Motion to Extend, the court, in an earlier Order granting expedited review of the Motions to Compel, informed Allstate that it was not likely to extend the motion deadline to the date requested without a change in the trial date. Allstate was advised that, if this extension is necessary, they should either agree to move this case to a new trial calendar or request permission from the District Judge to file a late dispositive motion. The court has not been informed that Allstate has taken either action. Therefore, the discovery deadline is extended to August 2, 2006, and the motion deadline is extended to August 9, 2006. If necessary, the parties may submit their motions with a summary of deposition testimony, to be supplemented by a deposition transcript when acquired.

IT IS, THEREFORE, ORDERED that Allstate Insurance Company's Motion to Compel Discovery Responses and the Deposition of Defendant Earl Pierce and its Motion to Compel the Deposition of Defendant Jimmy Saxton are **granted**. Its Motion to Extend Discovery and Dispositive Motion Deadlines is hereby **granted** in part and **denied** in part, as explained above.

IT IS SO ORDERED, this the 26th day of July, 2006.

S/James C. Sumner
UNITED STATES MAGISTRATE JUDGE